

## RESOLUTION NO. A-\_\_\_\_\_

## SPECIAL PERMIT NO. 1774A

1 WHEREAS, Lyle Loth has submitted an application designated as Special  
2 Permit No. 1774A for authority to amend the Wilderness Estates 3rd Addition Community  
3 Unit Plan to reduce the rear yard setback on Lot 4 of said CUP generally located at S. 7th  
4 Street and Glenridge Road, and legally described to wit:

5 Lots 1-8 and the southern portion of Outlot "A" Wilderness  
6 Estates 2nd Addition, located in the Northwest Quarter of  
7 Section 14, Township 9 North, Range 6 East of the 6th P.M.,  
8 Lancaster County, Nebraska, and more particularly described  
9 as follows:

10 Commencing at a point on the east line of said Northwest  
11 Quarter, said point being 50.00 feet south of the north quarter  
12 corner of said Section 14, and extending thence south 00  
13 degrees 23 minutes 24 seconds east, for a distance of 235.00  
14 feet to the point of beginning; thence continuing south 00  
15 degrees 23 minutes 24 seconds east, for a distance of 231.46  
16 feet; thence south 00 degrees 56 minutes 51 seconds east, for  
17 a distance of 125.55 feet; thence north 90 degrees 00 minutes  
18 00 seconds west, for a distance of 357.62 feet; thence north  
19 03 degrees 24 minutes 50 seconds west, for a distance of  
20 357.62 feet; thence north 00 degrees 00 minutes 00 seconds  
21 east, for a distance of 375.24 feet to the point of beginning and  
22 containing a calculated area of 3.00 acres, more or less;

23 WHEREAS, the real property adjacent to the area included within the site  
24 plan for this community unit plan will not be adversely affected; and

25 WHEREAS, said site plan together with the terms and conditions hereinafter  
26 set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal  
27 Code to promote the public health, safety, and general welfare.

1                   NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
2 Lincoln, Nebraska:

3                   That the application of Lyle Loth, hereinafter referred to as "Permittee", to  
4 amend the Wilderness Estates 3rd Addition Community Unit Plan to reduce the rear yard  
5 setback on Lot 4 of said CUP, on the property legally described above, be and the same  
6 is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the  
7 Lincoln Municipal Code upon condition that construction and operation of said community  
8 unit plan be in strict compliance with said application, the site plan, and the following  
9 additional express terms, conditions, and requirements:

10                  1.     This permit approves eight single family dwelling units and an  
11 adjustment of the rear yard setback from 15 feet to 5 feet on Lot 4.

12                  2.     Before receiving building permits:

13                         i.     The Permittee must submit a revised and reproducible final  
14 plan including five copies to the Planning Department for  
15 review and approval.

16                         ii.    The construction plans must conform to the approved plans.

17                         iii.   The existing LES easement must be released and the  
18 relocated easement filed with the Register of Deeds.

19                  3.     Before occupying the dwelling units all development and construction  
20 must be completed in conformance with the approved plans.

21                  4.     All privately-owned improvements must be permanently maintained  
22 by the Permittee or an appropriately established homeowners association approved by the  
23 City Attorney.

1           5.     The site plan approved by this permit shall be the basis for all  
2     interpretations of setbacks, yards, locations of buildings, location of parking and circulation  
3     elements and similar matters.

4           6.     The terms, conditions, and requirements of this resolution shall be  
5     binding and obligatory upon the Permittee, his successors, and assigns. The building  
6     official shall report violations to the City Council which may revoke the special permit or  
7     take such other action as may be necessary to gain compliance.

8           7.     The Permittee shall sign and return the City's letter of acceptance to  
9     the City Clerk within 30 days following approval of the special permit, provided, however,  
10    said 30-day period may be extended up to six months by administrative amendment. The  
11    City Clerk shall file a copy of the resolution approving the special permit and the letter of  
12    acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the  
13    Permittee.

14          8.     The site plan as approved with this resolution voids and supersedes  
15    all previously approved site plans, however all resolutions approving previous permits  
16    remain in force unless specifically amended by this resolution.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Staff Review Completed:

\_\_\_\_\_  
Administrative Assistant

Approved this \_\_\_\_ day of \_\_\_\_\_, 2002:

\_\_\_\_\_  
Mayor